

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

PROGRESS SHEET

☒ SURFACE WATER

☐ GROUND WATER

NAME Keith Baugher				TELEPHONE NO. ^{634 4335} (509) 452-6852 disconnected ⁵⁷⁶⁻⁷⁸¹⁶	
ADDRESS 4805 Terrace Heights Drive		CITY Yakima		STATE WA	ZIP CODE ⁹⁸⁹⁰¹
ASSIGNED TO		TELEPHONE NO.		DATE ASSIGNED	
ADDRESS		CITY		STATE	ZIP CODE
APPLICATION NO. S3-30236		PERMIT NO.		CERTIFICATE NO.	
DATE AMENDED ²⁰⁸⁹¹⁷¹		DATE CANCELLED		W.R.I.A. 52	
APPLICATION					
DATE APPLICATION RECEIVED August 3, 1998		INITIAL \$10.00 FEE RECEIVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		DATE FEE RECEIVED August 3, 1998	
STATEMENT OF ADDITIONAL EXAMINATION FEE \$		DATE SENT		DATE RECEIVED	
DATE RETURNED FOR COMPLETION OR CORRECTION				DATE RECEIVED	
TEMPORARY PERMIT					
APPROVED BY				DATE ISSUED	
Republic News Miner				PUBLICATION S	
APPROVED BY		DATE APPROVED		DATE NOTICE SENT	
PROTESTED BY & DATE					
DATE AFFIDAVIT RECEIVED	CHECKED BY	TIME EXPIRED	DATE AMENDED NOTICE SENT	DATE AFFIDAVIT RECEIVED	TIME EXPIRED
DEPARTMENT OF FISH & GAME REPORT					
APPROVED		PROVISO		PROTEST	
EXAMINATION					
DATE EXAMINATION MADE	MADE BY	DATE REPORT OF EXAM. WRITTEN		WRITTEN BY	CHECKED BY
DATE PERMIT FEE REQUESTED		AMOUNT DUE		DATE RECEIVED	
PERMIT					
PERMIT APPROVED BY	DATE APPROVED		PERMIT NO.	DATE ISSUED	
BEGINNING OF CONSTRUCTION					
DATE NOTICE SENT		DATE FILED		EXTENSION FEE	
EXTENDED TO			EXTENDED TO		
WELL DRILLER'S AND/OR CONSTRUCTION REPORT					
DATE SENT			DATE FILED		
COMPLETION OF CONSTRUCTION					
DATE NOTICE SENT		DATE FILED		EXTENSION FEE	
EXTENDED TO			EXTENDED TO		
PROOF OF APPROPRIATION					
DATE SENT	DATE FILED		EXTENSION FEE		EXTENDED TO
DATE CERT. FEE REQUESTED	AMOUNT DUE	DATE RECEIVED	DATE APPROVED FOR CERTIFICATE	APPROVED BY	
CERTIFICATION					
PROOF EXAM REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO		CERTIFICATE NUMBER		DATE ISSUED	

cc: Dept. of Fish and Wildlife
Colville Tribe/Gary Passmore

Colville Indian Res



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 2, 2013

Mr. Keith Baugher
4805 Terrace Heights Drive
Yakima WA 98901

Dear Mr. Baugher:

On August 3, 1998, you filed Surface Water Application S3-30236. The application requested 1.0 cfs from the San Poil River for irrigation of 22 acres in Section 32, T. 31 N., R. 33 E.W.M. Ferry County within the boundaries of the Colville Indian Reservation. We are preparing for field work in 2013 and are reviewing all pending applications in WRIA 52.

I contacted the Ferry County Assessor and it appears the property was sold in 2005 to a new owner. The application was not assigned to the new owner.

I contacted the Yakima County Assessor and it appears you sold your residence in Yakima in 2008. We do not have a current address or contact.

Since the application was not assigned, and we have no forwarding address, we attempted to contact you at your last known address without success.

Therefore, Surface Water Application S3-30236 for a water right for the property in Ferry County is REJECTED.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).


To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 2nd day of January, 2013.


 Keith L. Stoffel, Section Manager

KLS:KB:ka

Enclosure: Your Right to Be Heard

By Certified Mail 7011 3500 0001 8626 4921

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

1/2/13
Postmark
Here

Sent To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

MR. KEITH BAUGHER
4805 TERRACE HEIGHTS DRIVE
YAKIMA WA 98901

PS Form 3800, August 2006

See Reverse for Instructions

7011 3500 0001 8626 4921



State of Washington
DEPARTMENT OF ECOLOGY
4601 N Monroe Street
Spokane, WA 99205-1295

CERTIFIED MAIL™



7011 3500 0001 8626 4921



02 1M
0004285354 JAN02 2013
MAILED FROM ZIP CODE 99205
\$ 05.75⁰

RECEIVED

JAN 08 2013

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

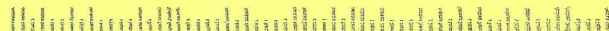
MR. KEITH BAUGHER
4805 TERRACE HEIGHTS DRIVE
YAKIMA WA 98901

STF 11013

NIXIE 992 DE 1 00 01/06/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 99205129599 *2989-01444-02-39



99205@1295
98901#1559

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. KEITH BAUGHER
4805 TERRACE HEIGHTS DRIVE
YAKIMA WA 98901

2. Article Number
(Transfer from service)

7011 3500 0001 8626 4921

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
(FAMILY FARM)

AFF. EXP.

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒

Surface Water

(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

☐

Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE August 3, 1998	APPLICATION NUMBER S3-30236	PERMIT NUMBER	CERTIFICATE NUMBER
---------------------------------	--------------------------------	---------------	--------------------

NAME Keith Baugher			
ADDRESS (STREET) 4805 Terrace Heights Drive	(CITY) Yakima	(STATE) WA	(ZIP CODE) 98901

PUBLIC WATERS TO BE APPROPRIATED

SOURCE San Poil River
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
QUANTITY, TYPE OF USE, PERIOD OF USE		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION 32	TOWNSHIP N. 31N	RANGE, (E. OR W.) W.M. 33E	W.R.I.A. 52	COUNTY Ferry
---	---------------	--------------------	-------------------------------	----------------	-----------------

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Solo. 2005 do

Jennifer HERBERGEN

Michael Synogrouno

CHECK PRIOR RIGHTS

DESCRIPTION OF PROPOSED WORKS

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
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REPORT

Game Commissioners **Gold A. Pebbles**, Chairman, Olympia
Arthur S. Coffin, Yakima; James H. Ralls, Wilson Creek;
Albert T. Prichard, Kalama; Claude Bekins, Seattle;
Edson Dow, Wenatchee

Director of Game / John A. Biggs

State of Washington



DEPARTMENT OF GAME

600 North Capitol Way / Olympia, Washington 98501

December 30, 1966

San Poil River
WR 1A 52

Mr. H. W. Pollock, Supervisor
Director of Water Resources
335 General Administration Building
Olympia, Washington 98501

RE: Water-Right Application #19443, Raymond E. Wilson,
San Poil River in Ferry County

Dear Sir:

The Department of Game and the Department of Fisheries have received the above-referenced water-right application.

The San Poil River supports a substantial population of game fish as well as providing valuable spawning areas. This fishery could be materially damaged if the stream flow falls below 5.0 c.f.s.

These Departments recommend that this application be approved, provided that all diversion ceases when the flow of the San Poil River at its confluence with the upstream end of the overflow channel falls to 5.0 c.f.s.

This is in accordance with previous recommendations made by these Departments in connection with water-right application #16437.

Very truly yours,

THE DEPARTMENT OF GAME

John A. Biggs
John A. Biggs, Director

THE DEPARTMENT OF FISHERIES

Thor C. Tollefson
Thor C. Tollefson, Director

RECEIVED
DEPARTMENT OF CONSERVATION

JAN 11 1967

A. M.
7 8 9 10 11 12 1 2 3 4 5 6
P. M.

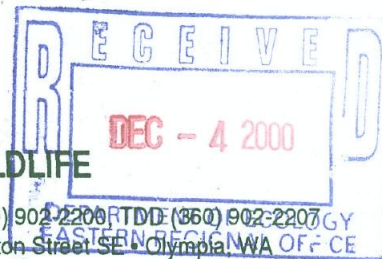
JAB:sj

S 330236



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200 TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA



360-902-2421
fax: 360-902-2946
e-mail: beechhab@dfw.wa.gov

Date: November 15, 2000

Washington Department of Ecology
4601 N. Monroe, Suite 202
Spokane, WA 99205-1295

WATER RIGHT APPLICATION REVIEW

Application Number S330236 Applicant Keith Baugher
4805 Terrace Hgts. Dr.
Yakima, WA 98901

WRIA 52
Water San Poil River

This water and/or affected reaches downstream are inhabited by resident trout & other
resident fish, anadromous fish
below Chief Joseph Dam

based on site-specific observations WDFW database or GIS
literature X knowledge of this type of stream

Amount .09 cfs gpm 66 acre-ft/yr
Point of diversion SW SW S32 T31N R33E
Point of use

WDFW recommended conditions:
Instream flows in WAC 173-5

This water right should be subject to any established lake levels, if any.

Instream flows based on IFIM study USGS toe-width X Tennant
other

X WDFW requests that water right be subject to the following instream flows or natural
flow, whichever is less: 110 cfs June through March
360 cfs April and May

Instream flows to be measured at San Poil River near Keller (USGS gage 12434500).

Other conditions requested by WDFW indicated by X:

X HPA

X screen

Based upon review of fish resources present, type and amount of water use, condition of habitat, and amount of water available, WDFW REQUESTS DENIAL of this application, in accordance with RCW 75.20.050, IF THIS SPACE IS CHECKED.

WDFW recommends modification of this proposal to minimize impacts to fish.

WDFW is a landowner and water user that will be affected by this proposed use.

Please HOLD this application pending field review. WDFW staff will provide detailed response by

Rationale for WDFW recommendations if not based on existing rules or statutes:

WDFW recommendations do not include higher flows needed for maintenance of channel nor riparian vegetation because the proposed diversion does not regulate flow and can only divert a fixed amount. Thus different uses of water would require different instream flows. The Tennant method is a widely used instream flow method, but it considers relatively little site-specific information (only mean annual flow). Water quality, including temperature and dissolved oxygen, are not addressed in this flow recommendation.

Additional comments:

The potential for agricultural development of this basin with associated irrigation diversions means that a significant quantity of water could be allocated. Cumulative effects of such diversions have the potential to adversely affect fishes listed under the federal Endangered Species Act in the Columbia River downstream of Chief Joseph Dam. WDFW recommends that existing water rights in the San Poil River Basin and other waters upstream from Chief Joseph Dam be quantified relative to the water budget for the Columbia River below Chief Joseph Dam. Measures to protect against such cumulative impacts should be instituted. One possible measure is to subject San Poil River water rights to instream flows for the Columbia in WAC 173-563.



Hal A. Beecher

Instream Flow Biologist

QUICK
CONVEY Software

Filed for Record at Request of:
AFTER RECORDING MAIL TO:

Ferry County Title & Escrow Co. Inc.
Box 351, E 319 Delaware St.
Republic, WA 99166

235422

State of Wa. County of Ferry, WA
Vpl. M.F. of O.R. Page 235422
Request of Ferry County Title
on July 30 (12:58 pm) 1996
DOROTHY M. FERGUSON
County Auditor. By JJ Deputy
Mail to Ferry County Title
P.O. Box 351
Republic, WA 99166

INDEXED
RECORDED
FILED
PAID OUT

File: 14,410

DEED OF TRUST

(For use in the State of Washington only)

THIS DEED OF TRUST, made this 30 day of July, 1996, between KEITH BAUGHER, a single man, as GRANTOR, whose address is 4805 TERRACE HGTS DRIVE, YAKIMA, WA 98901;

and FERRY COUNTY TITLE AND ESCROW CO., INC. a corporation, as TRUSTEE, whose address is P.O. BOX 351, REPUBLIC, WA 99166.

and LEONARD DOELLNER and NANCY DOELLNER, husband and wife, as BENEFICIARY, whose address is P.O. BOX 8242, FREDERICKSBERG, VA 22404.

WITNESSETH: Grantor hereby bargains, sells and conveys to Trustee in Trust, with power of sale, the following described real property in the County of Ferry, State of Washington:

Legal Description: All that part of the following property lying and being
East of the East line of State Highway No. 4 as located
July 25, 1968.

All that part of the South half of the South half of the Southwest quarter of the Southwest quarter (S1/2 S1/2 SW1/4 SW1/4) of Section Thirty-two (32), Township Thirty-one (31) North, Range Thirty-three (33) E.W.M.; and the North 3/8ths of Government Lot Four (4) and the North 3/8ths of Government Lot Seven (7) of Section Five (5), Township Thirty (30) North, Range Thirty-three (33) E.W.M.

EXCEPTING THEREFROM the right of way for State Highway No. 4 (SR 21).

Exceptions: SEE ATTACHED EXHIBIT 'A' FOR EXCEPTIONS TO TITLE

which real property is not used principally for agricultural or farming purposes, together with all tenements, hereditaments, and appurtenances now or hereafter thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof.

It is further agreed that there will not be any commercial logging of any kind on this property until the balance owed is \$30,000.00 or less.

This Deed of Trust is for the purposes of securing performance of each agreement of Grantor herein contained, and payment of the sum of ~~FIFTY THOUSAND AND NO/100 DOLLARS~~ ^{KB} ~~(\$50,000.00)~~, with interest, in accordance with the terms of a promissory note of even date herewith payable to Beneficiary or order, and made by Grantor, and all renewals, modifications and extensions thereof, and also further sums as may be advanced or loaned by Beneficiary to Grantor, or any of their successors or assigns, together with interest thereon at such rate as shall be agreed upon.

Twenty Four thousand and 00/100 Dollars
\$24,000

To protect the security of this Deed of Trust, Grantor covenants and agrees:

1. To keep the property in good condition and repair; to permit no waste thereof; to complete any building, structure or improvement being built or about to be built thereon; to restore promptly any building, structure or improvement thereon which may be damaged or destroyed; and to comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property.

2. To pay before delinquent all lawful taxes and assessments upon the property; to keep the property free and clear of all other charges, liens or encumbrances impairing the security of this Deed of Trust.

3. To keep all buildings now or hereafter erected on the property described herein continuously insured against loss by fire or other hazards in an amount not less than the total debt secured by this Deed of Trust. All policies shall be held by the Beneficiary, and be in such companies as the Beneficiary may approve and have loss payable first to the Beneficiary as its interest may appear and then to the Grantor. The amount collected under any insurance policy may be applied upon any indebtedness hereby secured in such order as the Beneficiary shall determine. Such application by the Beneficiary shall not cause discontinuance of any proceedings to foreclose this Deed of Trust. In the event of foreclosure, all rights of the Grantor in insurance policies then in force shall pass to the purchaser at the foreclosure sale.

4. To defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee, and to pay all costs and expenses, including cost of title search and attorney's fees in a reasonable amount, in any such action or proceeding, and in any suit brought by Beneficiary to foreclose this Deed of Trust.

5. To pay all costs, fees and expenses in connection with this Deed of Trust, including the expenses of the Trustee incurred in enforcing the obligation secured hereby and Trustee's and attorney's fees actually incurred, as provided by statute.

6. Should Grantor fail to pay when due any taxes, assessments, insurance premiums, liens, encumbrances or other charges against the property hereinabove described, Beneficiary may pay the same, and the amount so paid, with interest at the rate set forth in the note secured hereby, shall be added to and become a part of the debt secured in this Deed of Trust.

IT IS MUTUALLY AGREED THAT:

1. In the event any portion of the property is taken or damaged in an eminent domain proceeding, the entire amount of the award or such portion thereof as may be necessary to fully satisfy the obligation secured hereby, shall be paid to Beneficiary to be applied to said obligation.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive its right to require prompt payment when due of all other sums so secured or to declare default for failure to so pay.

3. The Trustee shall reconvey all or any part of the property covered by this Deed of Trust to the person entitled thereto on written request of the Grantor and the Beneficiary, or upon satisfaction of the obligation secured and written request for reconveyance made by the Beneficiary or the person entitled thereto.

4. *KB* Upon default by Grantor in the payment of any indebtedness secured hereby or in the performance of any agreement contained herein, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In such event and upon written request of Beneficiary, Trustee or its authorized agent shall sell the trust property, in accordance with the Deed of Trust Act of the State of Washington, at public auction to the highest bidder. Any person except Trustee may bid at Trustee's sale. Trustee shall apply the proceeds of the sale as follows: (1) to the expense of sale, including a reasonable Trustee's fee and attorney's fee; (2) to the obligation secured by this Deed of Trust; (3) the surplus, if any, shall be distributed to the persons entitled thereto. *KB*

5. Trustee shall deliver to the purchaser at the sale its deed, without warranty, which shall convey to the purchaser the interest in the property which Grantor have or had the power to convey at the time of his execution of this Deed of Trust, and such as he may have acquired thereafter. Trustee's deed shall recite the facts showing that the sale was conducted in compliance with all the requirements of law and of this Deed of Trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrances for value.

6. The power of sale conferred by this Deed of Trust and by the Deed of Trust Act of the State of Washington is not an exclusive remedy; Beneficiary may cause this Deed of Trust to be foreclosed as a mortgage.

7. In the event of the death, incapacity or disability or resignation of Trustee, Beneficiary shall appoint in writing a successor trustee, and upon the recording of such appointment in the mortgage records of the county in which this Deed of Trust is recorded, the successor trustee shall be vested with all powers of the original trustee. The trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Trustee or Beneficiary shall be a party unless such action or proceeding is brought by the Trustee.

8. This Deed of Trust applies to, inures to the benefit of, and is binding not only on the parties hereto, but on their heirs, devisees, legatees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby, whether or not named as Beneficiary herein.

DATED this 22 day of July, 1996.

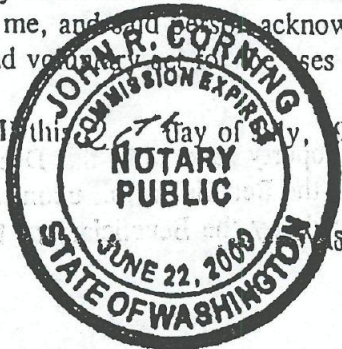
Keith Baugher

KEITH BAUGHER

STATE OF WASHINGTON }
COUNTY OF } ss

I certify that I know or have satisfactory evidence that KEITH BAUGHER is the person who appeared before me, and ~~and said person~~ acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act and for the purposes mentioned in this instrument.

DATED this 7 day of July, 1996.



John Corning

Notary Republic for the State of

Washington, Residing at *Bellevue*

My Commission Expires 6/22/00

ORDER 14,410
DOELLNER/BAUGHER
EXHIBIT 'A' EXCEPTIONS

1. *STATUTORY WARRANTY DEED, INCLUDING TERMS AND CONDITIONS THEREOF:*

GRANTOR: Oliver R. Pooler and Anna Mae Pooler, Joseph Wicks and Mabel E. Wicks

GRANTEE: Horace W. Smith and Mary Patricia Smith and Roger S. Smith

STATES: Easements and rights of way of record for roads and utilities; Road rights of way whether of record or not presently existing over and across the above described premises.

DATED: July 25, 1968

RECORDED: August 1, 1968

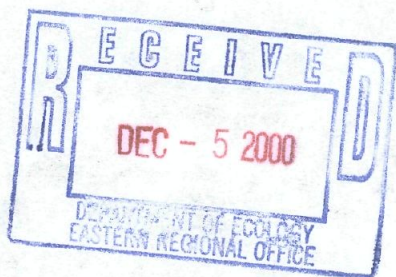
RECORDING NO.: 153202

2. *Subject to the terms and conditions of the Land Use formulated by the Confederated Tribes of the Colville Reservation as per recorded document numbers 189434, 189435 and 190108.*
3. *Subject to Colville Confederated Tribes Resolution No. 1985-20 which covers: On-Site Wastewater Treatment and Disposal Act, Mining Practices Water Quality Act, Forest Practices Water Quality Act, Water Quality Standards Act and Administrative Procedure Act.*
4. *Subject to the terms and conditions contained in the Intergovernmental Land Use Planning Agreement between Ferry County and the Confederated Tribes of the Colville Reservation as filed July 1, 1993, under Ferry County Auditor's File No. 224624.*

Dec. 4, 2000

Karen ;
Per our telephone conf. , here
is our deed on the property.
If you have any question,
Please call me at 509-576-7816

Thanks
Keith





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

November 27, 2000

COPY

CERTIFIED MAIL 7099 3220 0005 3122 1123

Mr. Keith Baugher
4805 Terrace Heights Drive
Yakima, Washington 98901

Dear Mr. Baugher:

Re: Surface Water Application No. S3-30236

On October 10, 2000, our office sent you a letter to acknowledge that we had received your water right application and assigned it the above referenced number. We stated in the letter that we have encountered some difficulty in getting a hold of you. We noted that there is additional information needed to complete your application.

We require a copy of the deed for the place of use for the water. We also need a contact phone number/current mailing address for you. These are needed in order to proceed with the processing of your application.

You will have 30 days from the date of this letter to respond. Please contact Karen Swanson in our office at (509) 456-6333, or we will have to reject your water right application. You will lose your priority date of August 3, 1998 if we do not hear from you.

Water Resources Program
Eastern Regional Office

KS:kay

w:Swanson/S3-30236 11-27-00.doc



U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

S3-30236

Postage \$

Certified Fee

Return Receipt Fee
 (Endorsement Required)

Restricted Delivery Fee
 (Endorsement Required)

Total Postage & Fees \$

Postmark
 Here

11-27-2000

Name (Please Print Clearly) (To be completed by mailer)

Mr. Keith Baugher

Street, Apt. No.; or PO Box No.

4805 Terrace Heights Drive

City, State, ZIP+4[®]
 Yakima, Washington 98901

PS Form 3800, July 1999

See Reverse for Instructions

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

MR KEITH BAUGHER
 4805 TERRACE HEIGHTS DR
 YAKIMA WA 98901

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

70993220000531221123

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11 28 00

8. Addressee's Address (Only if requested and fee is paid)

5. Received By (Print Name)

Richard Baugher

6. Signature (Addressee or Agent)

X Richard Baugher

Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.



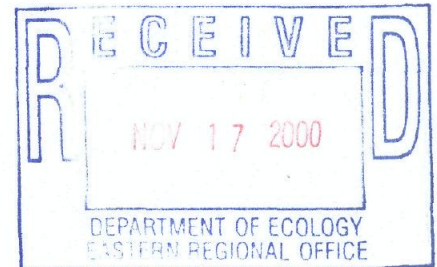
State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

360-902-2421
fax: 360-902-2946
e-mail: beechhab@dfw.wa.gov

Date: November 15, 2000

Washington Department of Ecology
4601 N. Monroe, Suite 202
Spokane, WA 99205-1295



WATER RIGHT APPLICATION REVIEW

Application Number S330236 Applicant Keith Baugher
4805 Terrace Hgts. Dr.
Yakima, WA 98901

WRIA 52
Water San Poil River

This water and/or affected reaches downstream are inhabited by resident trout & other
resident fish, anadromous fish
below Chief Joseph Dam

based on site-specific observations WDFW database or GIS
literature X knowledge of this type of stream

Amount .09 cfs gpm 66 acre-ft/yr
Point of diversion SW SW S32 T31N R33E
Point of use

WDFW recommended conditions:
Instream flows in WAC 173-5

This water right should be subject to any established lake levels, if any.

Instream flows based on IFIM study USGS toe-width X Tennant
other

X WDFW requests that water right be subject to the following instream flows or natural
flow, whichever is less: 110 cfs June through March
360 cfs April and May

Instream flows to be measured at San Poil River near Keller (USGS gage 12434500).

Other conditions requested by WDFW indicated by X:

X HPA

X screen

Based upon review of fish resources present, type and amount of water use, condition of habitat, and amount of water available, WDFW REQUESTS DENIAL of this application, in accordance with RCW 75.20.050, IF THIS SPACE IS CHECKED.

WDFW recommends modification of this proposal to minimize impacts to fish.

WDFW is a landowner and water user that will be affected by this proposed use.

Please HOLD this application pending field review. WDFW staff will provide detailed response by

Rationale for WDFW recommendations if not based on existing rules or statutes:

WDFW recommendations do not include higher flows needed for maintenance of channel nor riparian vegetation because the proposed diversion does not regulate flow and can only divert a fixed amount. Thus different uses of water would require different instream flows. The Tennant method is a widely used instream flow method, but it considers relatively little site-specific information (only mean annual flow). Water quality, including temperature and dissolved oxygen, are not addressed in this flow recommendation.

Additional comments:

The potential for agricultural development of this basin with associated irrigation diversions means that a significant quantity of water could be allocated. Cumulative effects of such diversions have the potential to adversely affect fishes listed under the federal Endangered Species Act in the Columbia River downstream of Chief Joseph Dam. WDFW recommends that existing water rights in the San Poil River Basin and other waters upstream from Chief Joseph Dam be quantified relative to the water budget for the Columbia River below Chief Joseph Dam. Measures to protect against such cumulative impacts should be instituted. One possible measure is to subject San Poil River water rights to instream flows for the Columbia in WAC 173-563.



Hal A. Beecher

Instream Flow Biologist



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

October 10, 2000

Mr. Keith Baugher
4805 Terrace Heights Drive
Yakima, Washington 98901

COPY

Dear Mr. Baugher:

Re: Surface Water Application No. S3-30236

This letter is to acknowledge that the Washington State Department of Ecology received your water right application. We have assigned your application the number indicated above. Please include this number in future correspondence regarding your application with the Department of Ecology.

We encountered some difficulty getting a hold of you. Please contact Karen Swanson regarding your application at the address above or 509-456-6333. There are some items she needs before we can proceed with the processing of your Application.

When we begin actively evaluating applications in your area, we will prepare a public notice and send it to you with publication instructions. It will be some time before we are able to begin working in your area. In the meantime, please notify Ecology of changes such as address, property ownership, or variations in your proposed water use plans.

The availability of water in Washington state is a serious problem. Much of the water in our state has already been appropriated. The competition for water has escalated with our state's increasing population, conflicting water policy issues, and grave declines in salmon and other fish populations. A new watershed management law brings us a step closer to addressing some of these issues. It sets into motion a locally based process to address water quantity, quality, and habitat issues. Watershed management will help meet challenges for getting water to people, industries, farms, and fish.

In some areas of the state, we are continuing to evaluate applications within watersheds where we have previously gathered information and completed watershed assessments. We are also continuing to process water right permit or change applications that are intended to address public health and safety emergencies, the natural environment, or are for nonconsumptive withdrawals. All other applications are grouped by watershed and processed according to the date of submittal, and when we have enough information and staff resources to make decisions.

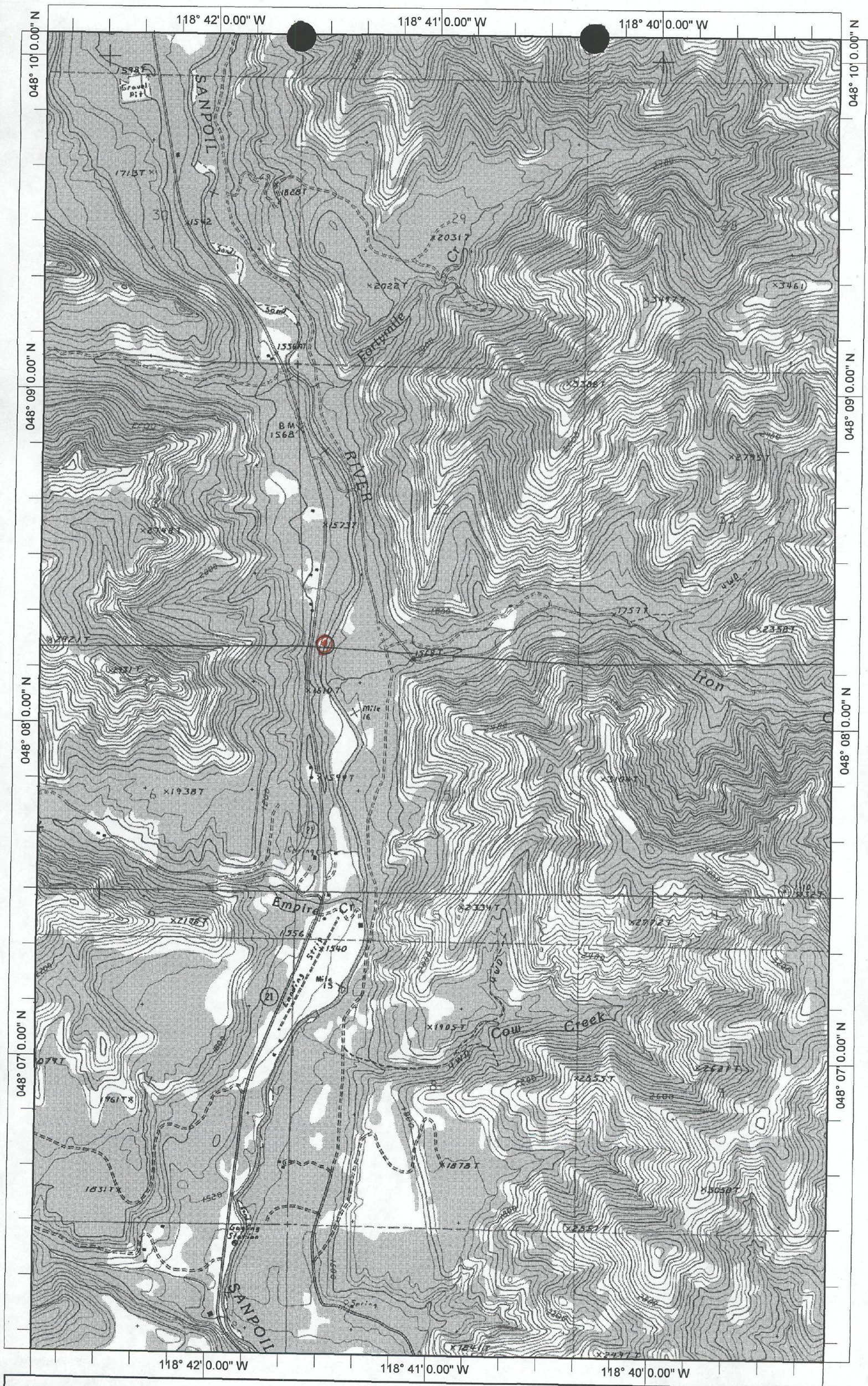
If you would like further information on your application, please contact Herman Spangle at (509) 456-4410.

Water Resources Program
Eastern Regional Office

/kay

cc: Dept. of Fish & Wildlife, Colville Tribe





Name: LOUIE CREEK
Date: 10/6/2000
Scale: 1 inch equals 1960 feet

Location: 048° 08' 05.3" N 118° 40' 59.4" W
Caption: Keith Baugher
T31N, R33E, Sec. 32

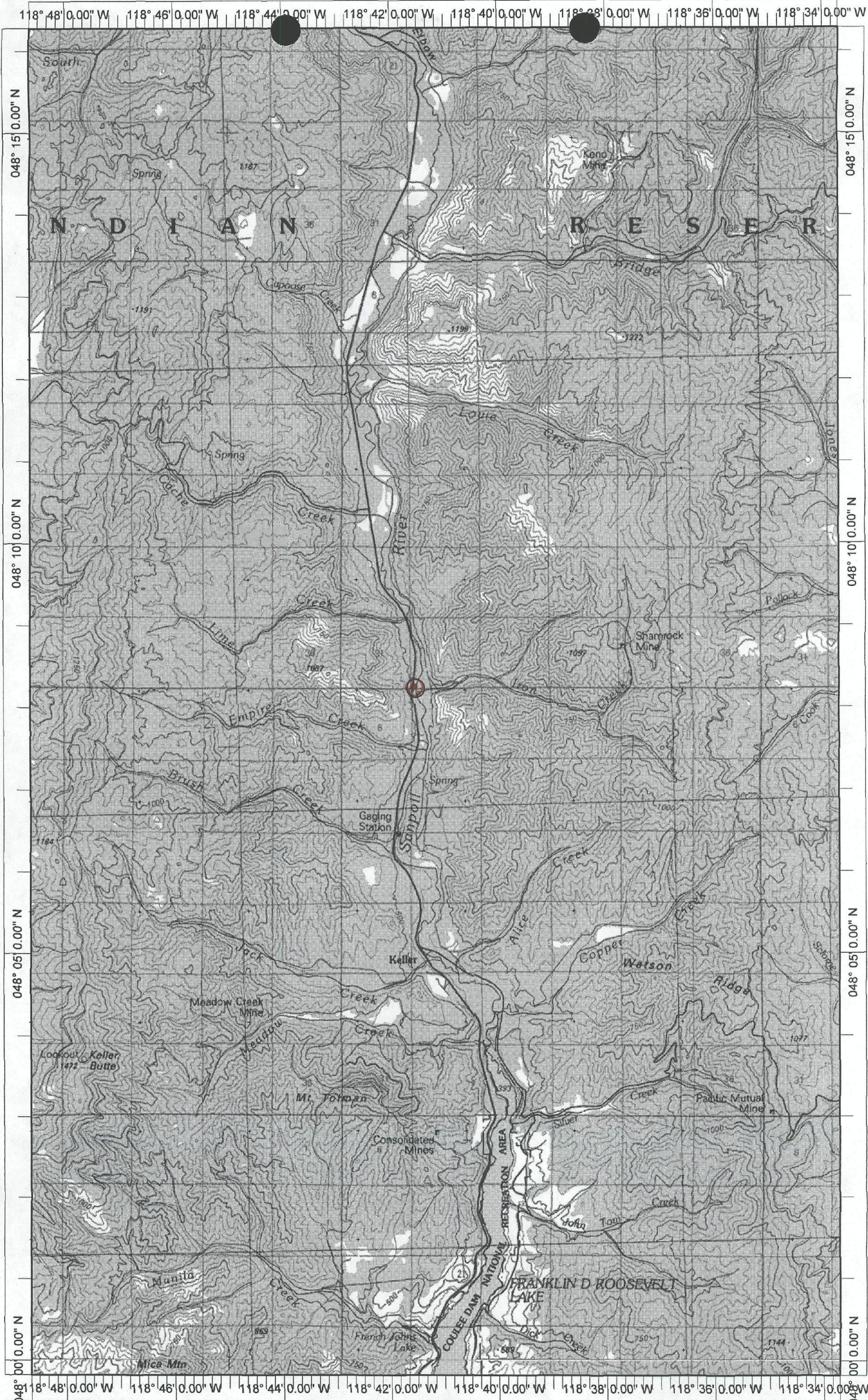
S 330236

Markers

Name:

Short Name: NoName

Coordinates: 048° 08' 14.4" N, 118° 41' 29.4" W



Name: NESPELEM
 Date: 10/6/2000
 Scale: 1 inch equals 1.547 miles

Location: 048° 08' 03.3" N 118° 41' 10.1" W
 Caption: Keith Baugher
 T31N, R33E, Sec. 32

S 330236

Markers

Name:

Short Name: NoName

Coordinates: 048° 08' 14.4" N, 118° 41' 29.4" W